IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :13427 of 2007

DATED:28.6.2007.

Between:

Md.Jaweed Pasha

.... PETITIONER

AND

Govt of A.P rep by its Principal Secretary, Higher Edn & others.

.....RESPONDENTs

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:13427 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This writ petition is filed by the petitioner seeking to call for the records pertaining to the order of the tribunal in O.A.No:2063 of 2005, dated 19.4.2007 and to set aside the same.

The 7th respondent herein is the applicant. He filed the O.A. seeking to declare the G.O.Rt.No:965, Higher Education (IE.I) Department, dated 28.12.2004 issued by the 1st respondent as arbitrary and illegal and to direct the respondents to continue him as senior assistant in the 6th respondent college. The tribunal having set aside the impugned orders posting the applicant at Veldurthy in so far as the case of the applicant is concerned, directed the respondents to post back the applicant at Kurnool, disposed of the same with an observation that the applicant shall be allowed to continue as senior assistant at Government Junior College, Kurnool (Town). Having aggrieved by the same, the petitioner-7th respondent therein has preferred the present writ petition.

Heard the learned counsel.

The facts that are undisputed are that the applicant has made a representation seeking transfer and posting from Holagonda to Kurnool Town on the ground that his wife has been working near Kurnool and the respondents-authorities considered the said representation by issuing G.O.Rt. No:562, dated 28.8.2004. As the said order was not implemented, the applicant has filed O.A.5559 of 2004, which was disposed of with a direction to the respondents to

relieve the applicant so as to enable him to report at the Government Junior College, Kurnool and as the said orders were not implemented by the respondents, the applicant has filed a contempt application and during the pendency of the said application, the applicant was transferred to Government Junior College, Kurnool (Town). At this juncture, the orders impugned therein have been passed shifting the applicant from Kurnool within four months from the date of his joining.

The transfer of the applicant has been considered only on a consideration of his representation, in pursuance of which the G.O.Rt.No:562, dated 28.8.2004, has been issued and in pursuance of the order of the tribunal in O.A.No:5559 of 2004. It is pertinent to note that the order impugned therein has been issued shifting the applicant from Kurnool within a period of four months from the date of his joining in that station and as such, the said order amounts to arbitrariness in the light of the G.O. as well as the orders passed by the tribunal in O.A.5559 of 2004. In this background of the matter, the tribunal is justified in passing the order impugned herein. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

28th June, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:13427 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

28th June, 2007.